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Attorney's Do. No. 1505-6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: **Thomas Hicks**

Serial No. 09/990,670

Group Art Unit 1762

Filing Date: November 16, 2001

Examiner: Elena Tsoy

For: **DECORATIVE TRANSLUCENT WINDOW COVERING**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION TRAVERSING CITED REFERENCES (37 C.F.R. 1.1 (2))**

The undersigned parties hereby declare, as follows:

1. The person making this Declaration is Thomas Hicks ("Hicks"), President of Artscape.
2. Hicks is the inventor in the Application.
3. Artscape is the assignee of the Application.
4. In the opinion of the undersigned party, the process and resulting product disclosed in US Patent 6,030,002 to Charley et al (Charley) is totally distinguishable from the process and product of claims 4-6 and 19-50 in the above referenced patent application as set forth below in paragraphs 5-9.
5. The Charley reference relates to an opaque window cling. The cling in Charley is opaque because an opaque white layer is used as a background for printed

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images. Using an opaque white layer is an obvious approach to creating the border cling described in Charley with images on both sides.

6. The opaque layer in Charley has the disadvantage of making the resulting product opaque. To get rid of this disadvantage, it was thought that the opaque white layer could be removed and images could be printed on both sides of a film. We found that this process was also unsatisfactory because the process resulted in pale images. The only way to mitigate the pale images was to use unacceptably large quantities of ink. However, even with the large quantities of ink, the resulting product is still pale.

7. We discovered that applying a matte varnish to the substrate will produce the desired results. That is, the final film is still translucent and the colored images are bright instead of pale. While other producers expected that an opaque white layer was needed, we discovered the unexpected result that using a matte varnish produces a resulting film that has bright images while still maintaining translucency.

8. Accordingly, the feature of using a matte varnish between a colored image and the film is novel and nonobvious.

9. Accordingly, the feature of a thin, flexible film of plastic material which self adheres to a non-porous surface through cohesion and atmospheric pressure, and that has translucent colored images, and that allows light to pass through but diffuses the light so that images can not be clearly distinguished from either side is also novel and nonobvious.

Dated this first day of February, 2004.

  
Thomas Hicks